**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE**

**WRIT PETITION NO.941 OF 2004**

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Office Note, Office Memoranda of Coram appearance, Corut's orders or directions and Registrar's Orders:

Court's or Judge's Orders

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Mr.N.V.Vechalekar, for the Petitioner
Mrs. S.S. Bhende, AGP for the Respondent 1 to 3.

**CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.**
**DATE : 10th March, 2005**

**P.C.**

. The petitioner as an Ex-military personnel had applied for allotment of land from the respondents under various Government Circulars. We find firstly the resolution dated 30th December, 1971 is applicable to armed forces and the Border Security Forces from Maharashtra State who have either died or such personnel who have been wounded, disabled or have received, awards for gallantry in the recent Indo-Pakistan conflict. In other words the G.R. is clear that it is restricted to the members of the armed forces who are either killed or wounded, disabled or had received awards for gallantry in the Indo-Pakistan conflict. The petitioner does not fall into that category. The said benefit thereafter was also extended by Government Resolution dated 8th July, 1998 to those took part in Indo-China War, 1962, Indo-Pak war, 1965 and 1971 and in Operation Pawan (Shrilanka Peace Mission) other

conditions remaining the same as mentioned in Government Resolution dated 30th December, 1971. In other words the military personnel who were either killed, wounded, disabled or had received awards for gallantry in those conflicts also were eligible to be allotted land. Admittedly there is no averment in the petition that the petitioner was wounded or disabled or had received award for gallantry in any of those conflicts. Once that be the case the petitioner has no right and consequently petition rejected.

**(F.I. REBELLO, J.)**

**(S.P. KUKDAY, J.)**